

Applicant(s): Tarleton et al.

Serial No.: 09/518,156

Filed: March 2, 2000

For: PROPHYLACTIC AND THERAPEUTIC IMMUNIZATION AGAINST PROTOZOAN INFECTION AND DISEASE

REMARKS

The specification has been amended to correct typographical errors.

Entry of the foregoing amendments is respectfully requested. The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number, if they can be of any assistance during prosecution of the present application.

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed June 27, 2001, Applicants elect, with traverse, the invention of Group IV (claims 40-69). With respect to the required election of species, Applicants elect (e) *Trypanosoma* as the protozoan species; (f) a polynucleotide as the vaccine component species; and (g) therapeutic immunization as the vaccine administration species. The claims readable on the elected species are claims 40-44, 46-50, 52, 53, 65-67 and 69.

The restriction requirement is traversed on the grounds that the species of Group IV, most particularly species (g), can be searched and examined without substantial extra effort on the part of the United States Patent and Trademark Office. Specifically, it is submitted that therapeutic and prophylactic immunization (the species listed in "g") can be searched together as readily as they can be searched separately. In both embodiments (therapeutic and prophylactic administration) the nature of the vaccine administered is the same; the methods differ only with respect to the subject to whom the vaccine is administered (an infected mammal versus an uninfected mammal) and hence the effect of vaccine administration on the mammal. It is respectfully submitted that restricting the search to either an uninfected or infected mammalian subject would not substantially assist the Examiner in evaluating the invention.

Applicants note that the Examiner did not identify generic claims (or state that no generic claims are present) as required by MPEP 809.02(a). Applicants respectfully submit that claims 40, 41, 46, 43 47, 49, 52, 53, 65 and 67 are generic. Specifically, claims 40, 43, 46, 49, 52, 53, 65 and 67 are generic in that they recite a polypeptide or a polynucleotide vaccine component of the invention according to (e); and claims 40, 41, 43, 46, 47, 49, 52 and 53 are generic in that they recite a protozoan genus according to (f). As noted by the Examiner, upon allowance of a generic claim,

Response to Restriction Requirement

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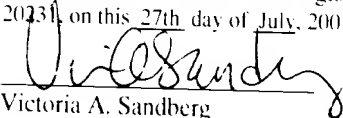
Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

Reconsideration of the restriction requirement, and modification of the requirement to remove species election (g) is respectfully requested. If species election (g) is removed, then the claims readable on the elected species are claims 40-44, 46-50, 52-59, 61-67 and 69. In that event, the generic claims would be claims 40, 41, 43, 46, 47, 49, 52-58, 61-65 and 67-69.

SEQUENCE LISTING

In accordance with 37 C.F.R. §1.821, a computer readable form (CRF) and written Sequence Listing for the above-captioned application are submitted herewith. Applicants request entry of same into the specification. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, which was mailed with the June 27, 2001, Communication, is attached.

In accordance with 37 C.F.R. §1.821, it is respectfully submitted that the information recorded in CRF is identical to the written sequence listing. The sequence listing does not contain new matter.

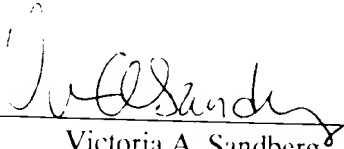
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| CERTIFICATE UNDER 37 C.F.R. 1.8: |
| The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 27th day of July, 2001. |
|  Victoria A. Sandberg |

Respectfully submitted,

Tarleton et al.

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July 27, 2001
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